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Prepared For:

La Serenissima Pty Limited ACN 113 760 777
Gratory Pty Limited ACN 066 004 180

Prepared By:



Purdon Planning Pty Ltd
Unit 4, Cooyong Centre
1-3 Torrens Street
BRADDON ACT 2612
Ph: 02 6257 1511
Email: purdons@purdon.com.au
Web: www.purdon.com.au
ABN 14 659 841 354

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1.0 Introduction

1.1 Purpose

This report has been prepared as supporting documentation for a Development Application at Block 19 Section 64 Yarralumla on behalf of La Serenissima Pty Limited and Gratory Pty Limited, lessees of the subject site.

The proposal includes construction of 7 dwellings on an amalgamated block, with a lease variation to increase the permitted number of dwellings in the lease purpose clause from six (6) to seven (7).

This report and statement against criteria outline the planning context and justification for the lease variation component of the DA. A separate statement against criteria has been prepared to support the design and siting component of the DA. A Statement of Heritage Effects (SHE) has been prepared by Phillip Leeson Architects to assess the proposed development against heritage values of the block.

The Code assessments contained in this document include:

- Yarralumla Precinct Map and Code
- Residential Zones Development Code
- Lease Variation General Code

All matters required for consideration under the *Planning and Development Act 2007* and the Territory Plan have been addressed below.

Figure 1: Locality Plan



Source: *Nearmaps (2020)*

2.0 Site Details

Locality	The subject site is Block 19 Section 64 Yarralumla located on a corner block, at 33 Hutchins Street and 30 Bentham Street.
Site Area	The site has an area of 2,105 ² (ACTMapi, 2020)
Zoning	RZ2 – Suburban Core
Current Use	The site was previously 2 separate blocks, each containing one residential house. The houses were demolished in early 2012 and the blocks were later consolidated. There has not been any use of the site since and some demolition waste remains on site.
Adjacent land uses	Adjacent land uses are primarily low density residential. The Royal Canberra Golf Club is located to the west, Lake Burley Griffin, Western Park, and the ACT Water Police at to the north. Immediately adjacent the site, to the east is the Yarralumla Shops which includes some small retailing and restaurants
Heritage	The subject site is listed on the ACT Heritage Register (item 20083) as the original blocks were part of the Federal Capital Advisory Committee's initial program of residential development in Canberra. A Statement of Heritage Effects has been prepared by Phillip Leeson Architects and is lodged as supporting documentation to the DA.
Easements	There is an electricity easement that runs along the western boundary of the block according to ACTMapi (2010).
Vegetation	The subject site has been cleared of all native vegetation, there are some planting around the site from previous exotic landscape plantings, however most have been removed or impacted during demolition work.
Access	Existing vehicular access and egress to the site is off Bentham Street and Hutchins Street.
Slope	The site has a downwards slope of 3m from the north-western corner of the block to the south eastern corner of the block.
Contamination	The subject site is not registered on the ACT Government list of contaminated sites.
Bushfire	The subject site is not within the bushfire prone area.

Figure 2: Subject Site



Source: ACTMapi (2020)

3.0 Crown Lease

The Crown Lease for Block 19 Section 64 Yarralumla was granted on the 11th of February 2014.

This DA seeks approval to increase the number of dwellings permitted under the Crown Lease from 6 dwellings to 7 dwellings.

The existing Crown Lease purpose clause is as follows:

3(a) To use the land for the purpose of multi-unit housing of not less than two (2) dwellings and not more than six (6) dwellings;

This variation seeks to amend the purpose clause as follows:

3(a) To use the land for the purpose of multi-unit housing of not less than two (2) dwellings and not more than seven (7) dwellings;

The proposed variation is consistent with the provisions of the Territory Plan (refer attachments) and is not considered to have any negative impact on the broader community. An impact assessment has been prepared at Section 5.0.

A separate statement against criteria has been provided in a separate report for any design and siting components.

4.0 Planning Context

This section outlines the Statutory Planning framework and other strategic planning issues relevant to the proposed development.

4.1 National Capital Plan

The subject site is not in a “Designated Area” under the National Capital Plan (NCP). In addition, there are no NCP special requirements applicable to the subject site.

4.2 Territory Plan

The subject site falls under the jurisdiction of the Territory Plan and is therefore subject to the Yarralumla Precinct Code, Residential Zones Development Code and other General Codes including the Parking & Vehicles Access General Code and Lease Variation General Code.

The subject site is zoned RZ2 –Suburban Core under the Territory Plan (refer Figure 3). The proposed use is permissible within the zone.

Figure 3: Territory Plan extract showing land use zones



Source: ACTmap (2019)

4.2.1 Zone Objectives

The Territory Plan objectives for this zone are to:

- a) Provide for the establishment and maintenance of residential areas where the housing is low rise and contains a mix of single dwelling and multi-unit development that is low to medium density in character particularly in areas close to facilities and services in commercial centres*
- b) Provide opportunities for redevelopment by enabling a limited extent of change with regard to the original pattern of subdivision and the density of dwellings*
- c) Provide for a wide range of affordable and sustainable housing choices that meet changing household and community needs*
- d) Contribute to the support and efficient use of existing social and physical infrastructure and services in residential areas close to commercial centres*
- e) Ensure redevelopment is carefully managed so that it achieves a high standard of residential amenity, makes a positive contribution to the neighbourhood and landscape character of the area and does not have unreasonable negative impacts on neighbouring properties*
- f) Provide opportunities for home based employment consistent with residential amenity*
- g) Provide for a limited range of small-scale facilities to meet local needs consistent with residential amenity*
- h) Promote good solar access*
- i) Promote energy efficiency and conservation*
- j) Promote sustainable water use*
- k) Promote active living and active travel*
- l) Encourage an attractive, safe, well-lit and connected pedestrian environment with convenient access to public transport*

It is considered that the proposed lease variation to increase dwelling yield is consistent with the objectives of the RZ2 Suburban Core which is intended to support low-medium density housing. Given the minor nature of the increase and the size of the site, the proposed increase will not have any negative impact on the adjacent properties.

The proposed variation is a minor increase in site yield and will not detract from the character of the suburb.

A Statement against relevant criteria is provided in this report (refer attachments) and concludes that the lease variation will not have any adverse impact on the surrounding area.

A separate statement against relevant criteria report is provided by Thursday Architecture for the design and siting component of the DA.

4.2.2 Yarralumla Precinct Map and Code

There are no additional rules or criteria in the Yarralumla Precinct Code that are relevant to the subject site.

5.0 Impact Assessment

5.1 Heritage

The subject site is listed on the ACT Heritage Register (item 20083) as the original blocks were part of the Federal Capital Advisory Committee's initial program of residential development in Canberra.

The primary heritage conservation objectives of the precinct, as outlined in the statement of significance, include retention of the original dwelling arrangement and maintenance of the landscape character.

The previous dwellings were structurally unsound and are now almost completely demolished, which has in turn diminished the heritage values of the site. The ACT Heritage Council Task Force agreed in principle that the heritage values have been severely diminished, and any reconstruction or reconfiguration of the heritage cottages would be considered historically pastiche.

ACT Heritage has previously approved development of multi-unit housing on the site for 6 dwellings. Elements intrinsic to the heritage character of the area are to be considered in redevelopment of the site, including respect to garden city character and landscaping, and high quality materials and colours that are reflective of the original cottages.

This proposal to uplift the permitted dwellings on site from 6 to 7 will not further impact these heritage considerations. The design of the site with respect to the additional dwelling has considered the streetscape and garden city character within its design; the rear townhouse is concealed from the Hutchins Street to reduce the bulk and scale of the development from the street.

A Statement of Heritage Effects has been prepared and lodged as supporting documentation to the DA. It is not considered that the minor uplift in dwellings will impact the heritage significance of the precinct.

5.2 Car parking

Car parking will be fully contained on site in accordance with the requirements of the Parking & Vehicle Access Code. As such, there will be no increase in on-street car parking as a result of the proposal.

Basement car parking is proposed for all dwellings to reduce any considered impacts to heritage character.

5.3 Traffic

Any additional traffic associated with the proposed Crown Lease variation is considered negligible and the surrounding road network has sufficient capacity to accommodate any minor increase.

5.4 Access

Access and egress will be provided off Benthon Street. This was a previous access/egress point to the site so the new verge crossing is not likely to cause any conflict between vehicles.

5.5 Surrounding Land Uses

Surrounding land uses are largely medium-low density residential in nature. The proposed increase of one dwelling is not considered to have any impact on adjacent residential properties or other land uses. The scale of the development as a result of the proposed variation will not be inconsistent with adjacent developments.

Irrespective of the number of dwellings on site, the same plot ratio, height and setback rules will apply. As such, the increase in dwellings will have no material impact on adjacent properties.

5.6 Contamination

The subject site is not listed as a contaminated site on the ACT Government Register of Contaminated Sites.

5.7 Noise

The proposed increase in dwellings will not generate additional noise in the suburb.

6.0 Justification

It is considered that proposed variation of the Crown Lease pertaining to Block 19 Section 64 Yarralumla is consistent with the objectives of the Territory Plan and the broader needs of Canberra.

With few opportunities for redevelopment within the Inner South Canberra area, and other established suburbs, this proposed dwelling increase will provide an opportunity for more housing choice in the Yarralumla area and will add to the diversity and typology of dwellings in a desirable area.

Variety of housing choices and the opportunity to purchase within an established Inner Canberra suburb is needed to meet the demands of the community. The proposed variation seeks to address this high market demand by increasing residential yield on site from 6 units to 7.

This lease variation would not substantially change the built form or landscape character of the area. The design has considered the heritage significance of the site where relevant, and has been assessed against the values of the heritage listing in the SHE report prepared by Phillip Leeson.

Elements of heritage significance that are able to be maintained without creating a historical pastiche, such as inclusion of garden city ideals, landscape character, and use of high quality materials can all be maintained with an additional dwelling on the site.

An impact assessment has been undertaken as part of this DA and we do not consider there to be any material impacts associated with the proposed increase. The proposal is also consistent with the relevant objectives and controls of the Territory Plan codes.

7.0 Conclusion

This report has justified the lease variation component of a Development Application, and addresses all strategic and statutory planning considerations, including reference to the heritage listing of the site on the ACT Heritage Register.

In principle support has been provided by ACT Heritage with regards to multi-unit developments on the site. It is considered that elements of heritage significance that are able to be respected through redevelopment (including high quality materials and garden city character) have been included in the design of the site, and the additional dwelling does not diminish the design.

This application is a lease variation to increase the number of permitted dwellings from 6 to 7 at Block 19 Section 64 Yarralumla.

The proposal complies with all aspects of the Territory Plan and it is recommended that ACTPLA support the proposal.

**Purdon Planning
February 2020**

Attachments

Statements against Code Criteria

Attachment A: Statement Against the Yarralumla Precinct Code

Attachment B: Statement Against the Residential Zones Development Code

Attachment C: Lease Variation General Code

Attachment A: Statement Against the Yarralumla Precinct Code

There are no additional rules or criteria in the Yarralumla Precinct Code that are relevant to the subject site.

Attachment B: Statement Against the Residential Zones Development Code

Rules		Criteria
Part A – Residential Housing Development		
Element 1: Single dwelling housing development		
Response		
Not applicable. The site is not used for single dwelling housing.		
Element 2: Use		
2.1 Multi unit housing development code		
R2		This is a mandatory requirement. There is no applicable criterion.
Multi unit housing complies with the Multi-unit Housing Development Code.		
Response		
Complies. Proposed development on the site will comply with the Multi-Unit Housing Development code. A statement against the Multi-Unit Housing Code for the design and siting component of this DA has been provided by Thursday Architecture.		
Part B – Other forms of residential development		
Response		
Not applicable. The use of the site is for multi-unit housing, no other form of development is proposed.		
Part C: Demolition		
Response		
Not applicable. Demolition is not proposed.		
Part D: Subdivision and consolidation		
Response		
Not applicable. Subdivision and consolidation is not proposed.		
Part E: Non-residential uses		
Response		
Not applicable. No non-residential uses are proposed.		
Part F: Other developments		
Element 12: Matters for consideration		
12.1 Sustainability of the site for the proposed development		
Response		
Not applicable. This section applies to development proposals in residential zones that are not for residential uses.		
Part G: General controls		
Response		
Not applicable. This report addresses lease variation only. The elements in this section are addressed in Thursday Architecture's Statement Against Criteria for the design and siting aspect of the DA.		

Rules	Criteria
Element 14: Environment	
Response	
Not applicable. This report addresses lease variation only. The elements in this section are addressed in Thursday Architecture's Statement Against Criteria for the design and siting aspect of the DA.	

Attachment C: Statement Against the Lease Variation General Code

Rules	Criteria
Part A – Lease Variations in the merit or impact track	
Element 1: Variations – General	
1.1 Varying leases – general	
There is no applicable rule.	<p>C1 A lease is varied only where all the following are achieved:</p> <ul style="list-style-type: none"> i) the varied lease is consistent with the Territory Plan including all relevant codes ii) the land to which the lease applies is suitable for the development or use authorised by the varied lease.
Response Complies with C1. The changed purpose is consistent with the relevant requirements of the Territory Plan and all relevant codes, as demonstrated in this document.	
Element 2: Variations to increase rights	
2.1 Increasing rights	
There is no applicable rule.	<p>C2 A right under a lease is increased only when all of the following are achieved if the additional rights are granted and activated:</p> <ul style="list-style-type: none"> i) sufficient car parking is provided on site or is available off site in accordance with the Parking and Vehicular Access General Code ii) any increase in traffic flow is within the capacity of the surrounding road network iii) adequate post occupancy waste management and disposal can be provided to the relevant Territory standard iv) no unreasonable increase in the level of noise for the occupants of dwellings on the block or on adjoining land. <p><i>Note: examples of rights are the maximum gross floor area, the maximum floor area allocated to a particular use, building heights.</i></p>
Response Complies with C2. <ul style="list-style-type: none"> I. Sufficient car parking will be provided for the proposed uses on site, in accordance with the Parking & Vehicle Access General Code. The required changes to the design due to the uplift in dwellings will not lessen the desired character of the area or impact on any relevant heritage considerations. II. The existing road network can accommodate any minor increase in traffic volumes associated with the proposed lease variation. 	

Rules	Criteria
III. Adequate waste management will be developed as part of detailed design and is demonstrated in the documents lodged with the proposal.	
IV. No unreasonable increase to noise levels will occur as a result of the proposed variation. The proposed use is not considered to be a noisy land use.	
Element 3: Variations to add uses – general	
3.1 Adding uses generally	
There is no applicable rule.	<p>C3 An additional use is authorised by a lease only when all of the following are achieved if the additional use is granted and activated:</p> <ul style="list-style-type: none"> i) sufficient car parking is provided on site or is available off site in accordance with the Parking and Vehicular Access General Code ii) any increase in traffic flow is within the capacity of the surrounding road network iii) adequate post occupancy waste management and disposal can be provided to the relevant Territory standard iv) no unreasonable increase in level of noise for the occupants of dwellings on the block or on adjoining land v) no unreasonable risk to occupants of the block through any contamination of the block or on adjoining land vi) no unreasonable level of odour for the occupants of dwellings on the block or on adjoining land vii) no unreasonable level of light emission for the occupants of dwellings on the block or on adjoining land.
Response	
Not applicable. This Crown Lease variation does not seek to add a use.	
Element 4: Variations to add particular uses	
4.1 Community and Recreational facilities	
There is no applicable rule.	<p>C4 Community facilities or recreational facilities that are authorised by a lease comply with the Community and Recreational Facilities Location Guidelines General Code.</p>
Response	
Not applicable. No community facilities or recreational facilities are proposed.	
Note: 4.2 is missing from the code.	

Rules	Criteria
4.3 Secondary residence	
Response	
Not Applicable. No secondary residences are proposed.	
4.4 Emergency management plan	
R6A A variation to a lease to authorise an animal care facility in the industrial zones is approved only where an emergency management plan is provided and has been endorsed by the Emergency Services Authority (ESA).	C6A If an endorsed Emergency Management Plan is not provided, the application will be referred to the relevant agency in accordance with the requirements of the Planning and Development Act 2007.
Response	
Not applicable. No animal care facilities are proposed.	
4.5 Noise	
R6B A Noise Management Plan, prepared by an accredited acoustic specialist who is a member of the Australian Acoustic Society, is provided for an animal care facility The Noise Management Plan details the design, siting and construction methods, which will be used to minimise the impact of noise on neighbouring uses, and reduce the intrusion of noise from industrial uses into the facility.	This is a mandatory requirement. There is no applicable criterion.
Response	
Not applicable. No animal care facilities proposed.	
Part B – Lease variations in the code track	
Element 5: Variations to express number of dwellings	
5.1 Expressing the number of dwellings or units	
<p>R7 This rule applies to any of the following:</p> <ul style="list-style-type: none"> a) Varying a lease to express the number of approved or lawfully erected dwellings or units b) Varying a lease to change the number of approved or lawfully erected dwellings or units c) Varying a lease to add a secondary residence where erection of a secondary residence has been approved <p>The variation to the lease is consistent with the following:</p> <ul style="list-style-type: none"> I. all other provisions of the lease; and II. the Territory Plan, including all relevant codes. 	This is a mandatory requirement. There is no applicable criterion.

Rules	Criteria
Response	
Not applicable. There are no approved or lawfully erected dwellings on the subject site as yet.	
Element 6: Variations to remove, relocate, or change easements	
Response	
Not applicable. The proposed variation does not propose changes to easements.	

Unit 2 Cooyong Centre
1 Torrens Street
Braddon ACT 2612

T 61-2 6257 1511
F 61-2 6248 8347

www.purdon.com.au

